

**REMARKS/ARGUMENTS**

In response to the new set of requirements for restriction, Applicants elect, without traverse, to prosecute the invention of Group III, drawn to a “microarray for measuring human gene expression comprising a plurality of single exon probes, classified in class 422, subclass 68.1.”

Applicants further elect, with traverse, to prosecute the invention drawn to the sequence set forth in SEQ ID NO: 13795. Applicants reserve the right to prosecute any subject matter not examined here in one or more divisional application(s).

Applicants therefore withdraw the non-elected claims 1-35, as well as 41-109. Applicants have amended claim 36 to remove its dependency on claim 1, now withdrawn. In addition, Applicants have cancelled claim 37 and introduced new claims 110-129. The new set of claims is of the same scope as that of claim 37, but they are not dependent upon claims 2-27, now withdrawn.

In summary, claims 36, 38-40 and 110-129 are currently pending. Claims 1-35 and 41-109 have been withdrawn, and claim 37 has been cancelled. The pending claims are drawn to restriction Group III and are generic in one or more aspect to the elected sequence.

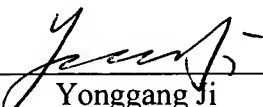
Regarding the traversal, Applicants respectfully point out that while the instant claims are drawn to over 34,000 sequences identified by the SEQ ID NO:s, the core set of sequences is the single exon nucleotide sequences directed to SEQ ID NO:s 13,701 – 27,400. Nucleotide sequences covered by SEQ ID NO:s 1 – 13,700 represent genomic sequences containing the single exon sequences, while polypeptide sequences covered by SEQ ID NO:s 27,401 – 34,288 are encoded by some of SEQ ID NO:s 13,701 – 27,400, respectively. The relationship of the sequences is presented in the Tables of the instant application. As an example, SEQ ID NO: 13,795 represents the exon sequence portion of the genomic sequence of SEQ ID NO: 88, while SEQ ID NO: 27,454 is encoded by SEQ ID NO: 13,795. Therefore, SEQ ID NO: 13,795 is not patentably distinct from SEQ ID NO: 88. In view of the above, Applicants submit that it should not constitute an undue burden for the Examiner to consider both of the closely related sequences together.

Support for the claims newly added by amendment herein may be found throughout the specification as filed and the original claims; no new matter has been added.

Early and favorable action is earnestly solicited.

Respectfully submitted,

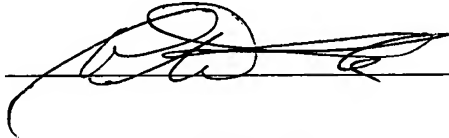
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on July 15, 2004.

Signature: 

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